

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CAROL A. MIDDLETON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:10CV415 HEA
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation, of Magistrate Judge David D. Noce that the decision of the Commissioner be reversed and remanded under Sentence four of 42 U.S.C § 405(g). Neither of the parties have filed any objections to the Report and Recommendation within the prescribed time period.

Judge Noce's Report and Recommendation contains a very thorough analysis of the facts and law in this matter, and is adopted in its entirety.

Accordingly,

IT IS HEREBY ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner is reversed and this case is remanded to

the Commissioner.

IT IS FURTHER ORDERED that on remand, the ALJ must (1) contact Dr. Bergmann for additional medical information regarding his August 14, 2008 and June 5, 2009 opinions, and (2) consider the new evidence that arose after the administrative hearing and which was submitted directly to the Appeals Council.

A separate judgment in accordance with this Order is entered this same date.

Dated this 4th day of March, 2011.

A handwritten signature in dark ink, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE